



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

May 21, 2020

By ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

APPLICATION GRANTED
SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 5/22/2020

Re: *Natural Resources Defense Council, Inc. v. U.S. Environmental Protection Agency*,
No. 18 Civ. 7489 (VSB)

Dear Judge Broderick:

This Office represents the U.S. Environmental Protection Agency (“EPA”) in the above-referenced matter. Pursuant to the Court’s Order dated March 26, 2020, ECF No. 32, the parties submit this joint status letter. In addition, for the reasons set forth below, the parties respectfully propose that they be directed to submit a further joint status letter, to be filed no later than June 26, 2020, and that the scheduling of any initial conference or case management deadlines be postponed in the interim.

Plaintiff Natural Resources Defense Council commenced this action pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking certain records related to the pesticide tetrachlorvinphos. As noted in the parties’ March 24, 2020 status letter, *see* ECF No. 31, the agency produced responsive, non-exempt records to Plaintiff, and on November 26, 2019, EPA provided a draft index of responsive, non-exempt records that EPA was withholding in full pursuant to FOIA exemptions. Since then, the parties have continued to work cooperatively and resolved all outstanding concerns regarding EPA’s withholdings. Last month, Plaintiff presented EPA with a demand for attorneys’ fees and costs. The government is reviewing Plaintiff’s request. The parties hope to finalize an agreement, and if agreement is reached, they intend to promptly submit a proposed stipulation and order, which would resolve any outstanding matters in this case.

The parties propose the filing of a further status letter advising the Court on the status of any outstanding issues to be filed no later than June 26, 2020, and the postponement of any initial conference or case management deadlines in the interim.

Page 2 of 2

I thank the Court for its consideration of this request.

Respectfully,

GEOFFREY S. BERMAN
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Southern District of New York

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